

MINUTES OF THE REGULAR MEETING  
CITY COUNCIL  
CITY OF BOCA RATON, FLORIDA  
TUESDAY, AUGUST 14, 2007  
6:00 PM

The Regular Meeting of the City Council of the City of Boca Raton, Florida was called to order by Mayor Steven Abrams at 6:00 p.m.

**INVOCATION:**

Council Member Arts gave the invocation.

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

**ROLL CALL:**

Mayor Steven L. Abrams  
Deputy Mayor Susan Whelchel  
Council Member M. J. Mike Arts  
Council Member Peter R. Baronoff  
Council Member Bill Hager

Also attending the meeting were:

City Manager Leif J. Ahnell  
City Attorney Diana Grub Frieser  
Assistant City Clerk Vanessa Hines

**AMENDMENTS TO THE AGENDA:**

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to amend the agenda to add Resolution No. 86-2007 to the Consent Agenda as Item No. 3.I. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.*

**MINUTES:**

Minutes of the Regular Workshop Meeting of July 23, 2007  
Minutes of the Regular Meeting of July 24, 2007

*Motion was made by Council Member Hager, seconded by Council Member Baronoff, to approve the minutes as presented. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.*

**PROCLAMATIONS/RECOGNITIONS/AWARDS:**

There were no proclamations, recognitions, or awards.

**REGULAR BUSINESS - PART I:**

1. Appointments to the following boards:

- a. Advisory Board for the Physically and Mentally Challenged – one vacancy

There were no applicants.

- b. Citizens' Pedestrian and Bikeway Advisory Board – one vacancy

There were no applicants.

- c. Community Relations Board – one vacancy (student)

Nina Rivera interviewed for the position. Mayor Abrams noted that the only other applicant advised she would be out of town and unable to interview.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to appoint Nina Rivera as a student member to the Community Relations Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.*

Ms. Rivera was appointed as a student member to the Board.

- d. Elder Affairs Advisory Board – one vacancy

There were no applicants.

- e. Financial Advisory Board – two vacancies

Jay Abrams expressed interest in retaining his position on the Board.

*Motion was made by Council Member Baronoff, seconded by Deputy Mayor Whelchel, to reappoint Jay Abrams and Edward Posner to the Financial Advisory Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.*

Mr. Abrams and Mr. Posner were reappointed to the Board.

- f. Historic Preservation Board – one vacancy

It was noted there were two applicants for one position. Council Member Hager nominated Merle Haber; Council Member Arts nominated Rex Nichols. Nominations were then closed without objection. In the voting: Mayor Abrams and Council Members Arts and Baronoff voted for Mr. Nichols; Deputy Mayor Whelchel and Council Member Hager voted for Ms. Haber.

Mr. Nichols was appointed to the Board.

- g. Pearl City Blue Ribbon Committee – one vacancy (must be a resident of Dixie Manor, Pearl City, or Lincoln Court)

There were no applicants.

- h. Telecommunications Advisory Board – one vacancy

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to reappoint Richard Galkin to the Telecommunications Advisory Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.*

Mr. Galkin was reappointed to the Board.

2. Responses to Workshop Information Requests:

The City Manager advised that responses would be included in tonight's presentations.

3. Consent Agenda:

Mayor Abrams provided an opportunity for anyone from the public to comment on the Consent Agenda; no one came forward to speak.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to approve the Consent Agenda as amended. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.*

a. Sealed Bids

- 1) Supply and Install one (1) 50 HP Hot Water Boiler-Replacement Requested by Utility Services Zager Plumbing Incorporated \$68,850
- 2) Light Poles & Fixtures Requested by Municipal Services Graybar Electric Company \$82,683
- 3) North and South West 4th Avenue Intersection Improvements at Palmetto Park Road Requested by Municipal Services Florida Blacktop, Inc. \$355,475

b. Intergovernmental Agreement

- 1) Safety Lighting and Equipment for Vehicles Requested by Municipal Services Law Enforcement Supply Company \$72,937

c. Resolution No. 81-2007

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 30 with Coastal Planning and Engineering, Inc. for the purpose of engineering services for the Department of Environmental Protection requirements for the implementation of the 2006 Central Boca Raton Beach Renourishment Project One-Year Post-Construction Physical Monitoring Plan; providing for severability; providing for repealer; providing an effective date

d. Resolution No. 82-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a revocable license agreement with Boca Quay Homeowner's Association, Inc. for the purpose of placing a call box and miscellaneous utility wiring in City right-of-way of Jeffery Street adjacent to Boca Quay; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 83-2007

A resolution of the City of Boca Raton waiving the Payment in Lieu of Taxes for the Boca Raton Housing Authority for fiscal year ending September 30, 2008; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 84-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a quit claim deed conveying the Ocean Strand Park property to the Greater Boca Raton Beach & Park District; providing for severability; providing for repealer; providing an effective date

g. Resolution No 85-2007

A resolution of the City of Boca Raton authorizing the City Manager to accept a grant, if awarded, from the U.S. Department of Justice, Bureau of Justice Assistance for the Edward Byrne Memorial Discretionary Grants Program; authorizing and directing the City Manager to comply with the terms and conditions of said grant; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 87-2007

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 7 with Camp Dresser & McKee Inc. for the purpose of providing professional engineering services to perform an update of the demand projections of the City's water distribution system; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 88-2007

A resolution of the City of Boca Raton authorizing the City Manager to execute an Interlocal Agreement with Palm Beach County for the purpose of reimbursable funding for improvements to the Boca Raton Inlet during FY 2007/08; providing for severability; providing for repealer; providing an effective date

j. Board Resignations

- a. Resignation of Leo Plevy from the Zoning Board of Adjustment
- b. Resignation of Jonathan Lake from the Community Relations Board

k. Receive and File Board Minutes – August 14, 2007

- 1) Citizen's Pedestrian and Bikeway Advisory Board
  - January 8, 2007
  - February 12, 2007

- 2) Community Appearance Board  
 May 22, 2007  
 May 29, 2007  
 June 5, 2007  
 June 12, 2007  
 June 19, 2007  
 June 26, 2007  
 July 10, 2007  
 July 17, 2007
- 3) Education Advisory Board  
 May 21, 2007
- 4) Elder Affairs Advisory Board  
 May 2, 2007
- 5) General Employees' Pension Board  
 May 10, 2007
- 6) Historic Preservation Board  
 May 15, 2007
- 7) Library Advisory Board  
 March 21, 2007  
 April 18, 2007  
 May 16, 2007
- 8) Parks and Recreation Board  
 May 8, 2007  
 June 5, 2007
- 9) Pearl City Blue Ribbon Committee  
 April 26, 2007  
 May 24, 2007
- 10) Physically and Mentally Challenged Board  
 May 3, 2007
- 11) Planning and Zoning Board  
 April 5, 2007  
 April 19, 2007  
 May 3, 2007  
 June 7, 2007  
 June 21, 2007
- 12) Police and Firefighters' Pension Board  
 April 26, 2007  
 May 24, 2007  
 June 5, 2007 (Special Meeting)
- 13) Special Master  
 May 9, 2007  
 June 13, 2007  
 June 27, 2007
- 14) Zoning Board of Adjustment  
 January 11, 2007

3.I. Resolution No. 86-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Rachlin Cohen & Holtz LLP for the purpose of providing financial auditing services; providing for severability; providing for repealer; providing an effective date

**REGULAR BUSINESS – PART II-A – QUASI-JUDICIAL CONSENT AGENDA:**

Mayor Abrams provided the public with an opportunity to comment on the Quasi-Judicial Consent Agenda; no one came forward to speak.

*Motion was made by Council Member Hager, seconded by Council Member Baronoff, to approve the Quasi-Judicial Consent Agenda. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.*

4. Resolution No. 78-2007

A resolution of the City of Boca Raton accepting and approving the final plat known as the Library Commons subdivision plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB-04-04)

**REGULAR BUSINESS – PART II-B – QUASI-JUDICIAL AND RELATED PUBLIC HEARINGS:**

There were no items for consideration.

**REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:**

5. Ordinance No. 4987 (*Transmittal public hearing – first of two required public hearings.*)

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 29.580 acres, more or less, located at 5800 Northwest 2<sup>nd</sup> Avenue, from Recreation and Open Space (PR) to Residential Medium (RM); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-06-04/SC{3})

6. Ordinance No. 4989 (*Transmittal public hearing – first of two required public hearings.*)

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 3.094 acres, more or less, located at 5800 Northwest 2<sup>nd</sup> Avenue, from Recreation and Open Space (PR) to Residential High (RH); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-06-04/SC{2})

7. Ordinance No. 4991 (*Transmittal public hearing – first of two required public hearings.*)

An ordinance of the City of Boca Raton amending the Transportation Element of the Comprehensive Plan to implement interim concurrency measures for constrained roadways; providing for severability; providing for repealer; providing for codification; providing an effective date (SC-07-01)

Mayor Abrams advised that a request had been received from the developer to postpone consideration of the above ordinances, which relate to Boca Teeca and a proposed development known as Ocean Breeze. On the advice of the City Attorney, the contemporaneous public hearing on the ordinances would be opened and then continued to a future meeting. He stated that any member of the public wishing to

speak was free to do so; however, there would be no staff presentation, no discussion by Council, and no transmittal vote. The only vote taken would be to continue the public hearing.

Michael Osborn spoke in opposition to the proposed Ocean Breeze development, citing increased traffic due to plans to expand a roadway (NW 2<sup>nd</sup> Avenue).

Responding to Council, the City Attorney explained that the only matter before Council now was consideration of the request to continue the public hearing to the Council meeting of September 11, 2007. Council would take no action tonight, other than to continue the public hearing to the September 11 meeting. At that time, a full presentation would be given and Council would vote on whether to transmit the ordinances to the Department of Community Affairs. Regarding the proposed transportation element, Ms. Frieser explained that it did not provide for expansion of the proposed link/roadway. She confirmed with Council that nothing in the plans required widening of the road and no proposal is currently pending to expand that roadway.

Responding to Mr. Osborn's question related to land usage, Mayor Abrams advised that he might wish to contact the Development Services staff, who would be happy to explain the more technical aspects of the ordinances.

No one else came forward to speak.

*Motion was made by Council Member Arts, seconded by Council Member Hager, to continue the public hearing on Ordinance Nos. 4987, 4989, and 4991 to the regular Council meeting of September 11, 2007. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.*

8. Ordinance No. 4992

An ordinance of the City of Boca Raton amending the Housing Element and the Future Land Use Element of the Comprehensive Plan to support a Workforce Housing Program; providing for severability; providing for repealer; providing an effective date (SC-06-05)

The public hearing was opened; no one came forward to speak. Mayor Abrams advised that this item would also be continued to the next Council meeting and a full staff presentation would be made at that time.

*Motion was made by Council Member Baronoff, seconded by Council Member Hager, to continue the public hearing on Ordinance No. 4992 to the regular Council meeting of September 11, 2007. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.*

9. Ordinance No. 4986

An ordinance of the City of Boca Raton authorizing the sale of a parcel of land consisting of approximately 0.085 acres and located adjacent to 3499 N.W. 2<sup>nd</sup> Avenue; providing for severability; providing for repealer; providing an effective date (SC-06-09)

Property Specialist/Appraiser Lynn Bodor gave the PowerPoint presentation. She advised that this parcel of land (Parcel 4) abutted the Victory Christian Center and provided background information on same. She noted that Victory Christian Center has a lease agreement with the City, allowing ingress and egress by vehicular and pedestrian traffic over City property. The church is now undergoing renovations to their parking area and would like to purchase the southernmost portion of Parcel 4 in order to obtain access to NW 35th Street. An independent third party appraiser evaluated the property at \$10,000 due to its small size and triangular shape, which renders it unbuildable. Ms. Bodor advised that no City utilities are located within this parcel; all City departments were contacted and all support the proposal. However, the Utility Services Department requested that a covenant be added to the deed to ensure the petitioner, at

the petitioner's sole expense, will continue to maintain the remaining City-retained portion of Parcel 4. Ms. Bodor then concluded her presentation and answered questions from Council related to the feasibility of building something on the site in question. She also confirmed with Council that the abutting property owners were notified of the proposed sale; in addition, no one from the public spoke at the Planning and Zoning meeting of March 22, 2007, at which time the Board members unanimously recommended approval of the petition.

The public hearing was opened and, seeing no one come forward to speak, closed.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Ordinance No. 4986. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.*

10. Ordinance No. 4993

An ordinance of the City of Boca Raton authorizing the Mayor and City Clerk to execute an amended and restated lease agreement with the Children's Museum, Inc. for the City-owned property located at 498 Crawford Boulevard; providing for severability; providing for repealer; providing an effective date (SC-07-04)

Property Specialist/Appraiser Lynn Bodor gave the PowerPoint presentation, advising that this amended lease related to the existing buildings known as Singing Pines and Arvida House, the relocated historic Raulerson House, and the proposed Voyager building plus an additional 0.40 acres, all located within the Community Redevelopment Area. She explained the amended lease would facilitate the Museum's expansion plans to include the historic Raulerson House, which would serve as space for administrative offices and traveling exhibits, in addition to a new interactive museum building to be known as the Voyager. The term of the new lease will be 20 years with three automatic 10-year extensions for a total term of 50 years. The lease payment will be \$1 per year and the Lessee shall assume responsibility for all costs related to maintaining and operating the buildings; the City will assume maintenance of the parking lot and landscaping. The Lessee shall furnish all insurance; sub-leasing is possible with the approval of the City.

Ms. Bodor advised that long-term leases constitute a sale of City-owned property and reviewed the laws regulating same. She noted that the property is located within the CRA and appropriate notices were published. Additional details were provided in regard to City Code Section 13-72(1) and F.S. 163.380(2). Ms. Bodor then stated that staff endorsed the nominal lease amount of \$1 per year, as The Children's Museum, Inc. has provided and maintained a cultural site at Singing Pines and the Arvida House, which has been of tremendous benefit to the community, and plans to continue that tradition through an expanded campus. All City departments were contacted and all support the proposal; in addition, the Community Redevelopment Agency reviewed and unanimously approved the petition at yesterday's CRA meeting.

Ms. Bodor stated that a revised lease agreement was before Council at this time, which clarified certain provisions of the lease; she then proceeded to summarize same. Specifically, the lease covers additional buildings not yet in place, notice for termination of lease has changed from 48 months notice to 12 months, all improvements to the property by the Lessee shall be subject to required development orders and other applicable code requirements and regulations, parking shall comply with City Code requirements and regulations, and upon termination of the lease, all housing, buildings, structures, and improvements affixed to the property shall become the property of the City. Ms. Bodor then answered questions from Council related to the notice of termination; the City Attorney provided additional information as well.

The public hearing was opened and, seeing no one come forward to speak, closed.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Ordinance No. 4993, as revised. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.*

**REGULAR BUSINESS – PART IV – REGULAR PUBLIC HEARINGS/SETTLEMENTS:**

There were no items for consideration.

**REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:**

11. Ordinance No. 4994

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of S.W. 15<sup>th</sup> Street, West of Addison Avenue; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-06-02)

The ordinance was introduced by Council Member Arts.

12. Ordinance No. 4995

An ordinance of the City of Boca Raton amending Ordinance No. 4909 for certain property generally located between Dixie Highway and U.S. 1, north of Hidden Valley Boulevard and south of the City limits of the City of Boca Raton; to revise certain conditions relating to the Dixie Highway northernmost driveway, the Federal Highway mid-driveway, the roadway concurrency build out date, and conditions previously approved by Planning and Zoning Board Resolution No. 06-16; providing for an 18 month extension to the multiple building project permit date, providing for severability; providing for repealer; providing an effective date (UC-05-04R2)

The ordinance was introduced by Council Member Hager.

13. Ordinance No. 4997

An ordinance of the City of Boca Raton amending Section 28-337, Code of Ordinances, to provide clarification and to allow certain lots to develop and redevelop in conformance with prior zoning regulations; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Deputy Mayor Whelchel.

**REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:**

David Evans voiced opposition to the elimination of the Palm Tran bus stop at the Town Center Mall; the new proposed bus stop would be a quarter of a mile away along Butts Road. This location would be further away from the lights and activity of the mall, making it very difficult and unsafe for seniors and those with disabilities who rely heavily on public transportation. The City Manager explained that the proposed plans for Town Center Mall include five to seven bus bays with covered shelter; they are rebuilding the bus stop to create a transit hub, which would connect buses from Broward County and West Boca. Responding to additional comments by Mr. Evans, Mayor Abrams advised that staff would contact Town Center Mall to determine precisely what their plans are in regard to the transit area. Mr. Ahnell added that extensive discussion took place between Palm Tran, the mall owners, and City staff when considering this location. In conclusion, it was decided that staff would contact Mr. Evans in regard to this issue.

Richard Rosland explained that he had been speaking with City representatives for quite some time in regard to a Boca Raton cemetery plot his mother purchased in the 1920s for \$5. Essentially, his mother has made other plans for interment, and the family wanted the City to buy back the plot - at a market

value rate of approximately \$2,000. Mr. Ahnell explained that a consistent rule of the City, which applies to all plots, is that the City will buy back the plot at the price paid by the resident, whatever that price may be; market value has never figured into it as the City is not in the real estate business. Council concurred with the City Manager's recommendation.

#### **REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:**

There were no items for consideration.

#### **CITY MANAGER RECOMMENDATIONS AND REPORTS:**

The City Manager had nothing to report at this time.

#### **CITY ATTORNEY REPORTS:**

The City Attorney had nothing to report at this time.

#### **MAYOR AND COUNCIL MEMBER REPORTS:**

##### Deputy Mayor Whelchel

Requested an update on the feasibility of establishing Wi-Fi in the downtown; the City Manager advised that additional, updated information will be forthcoming shortly. Ms. Whelchel then referred to a recent news report and asked the City Manager to comment on repairs currently being made to the Camino Real Bridge. Mr. Ahnell explained that this maintenance had been planned for approximately one year and indicated that the tragedy of the collapsed bridge, which occurred in Minnesota, was in no way related. Additional details were provided.

##### Council Member Hager

Asked Mr. Ahnell whether there were any bridges within the City, which the City is responsible for, that are equivalent to the span of those located in Minnesota; Mr. Ahnell advised there were none. Mr. Hager then reminded those present that a City-sponsored skateboard competition was scheduled at the skate park on Crawford Boulevard this Saturday from 11:00 a.m. to 3:00 p.m. for children aged 5 to 17.

##### Council Member Baronoff

Referred to an email he received in regard to lack of affordable housing and reviewed the statistics he obtained from MLS (Multiple Listing Service), a real estate database/website, on those homes (single-family and otherwise) located within the City limits and in unincorporated Boca Raton, costing approximately \$300,000 or less. Based on the numbers, he concluded that the market appeared to be correcting itself. On the topic of Wi-Fi, Mr. Baronoff indicated that he looked forward to seeing a follow-up report on the plan to establish Wi-Fi in the City of Delray Beach, which is being funded 100% by an outside entity. In regard to branding, Mr. Baronoff advised that he would be meeting with representatives of the Chamber of Commerce, who agreed to financially support this initiative and work with the City; he hoped to report back to Council after the March election with a full branding proposal.

##### Council Member Arts

Confirmed with the City Manager that a Countywide League of Cities membership meeting was scheduled for Wednesday, August 22, 2007, at 10:30 a.m. and would be hosted by the City. Mr. Ahnell advised that the venue would be Sugar Sand Park; he is to send an email to Council regarding same at a later date.

Mayor Abrams

Reported that he received an email from the Chairman of the Boca Raton High School Advisory Council, asking that City Council support their efforts to persuade the Palm Beach County School Board to honor their commitment, in connection with the November 2004 half-cent sales tax referendum, to provide promised facilities to Boca Raton High School. Following discussion, it was decided that a letter from Council would be sent to the School Board in support of the Board honoring its commitments to the high school.

**ADJOURNMENT:**

*Motion was made by Council Member Baronoff, seconded by Council Member Hager, to adjourn the meeting. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Wheelchel, Council Members Arts, Baronoff, and Hager voting yes.*

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 7:05 p.m. on Tuesday, August 14, 2007.

---

Steven L. Abrams, Mayor

ATTEST:

---

Sharma Carannante, City Clerk